

Exhibit “JJJ” to Amended Verified Petition

130-30 APPEALS ON INTERPRETATION OF THE LOCAL ZONING LAW AND MAP

The Board of Appeals shall, upon appeal, hear and decide:

130-30-10 Any matter where the applicant alleges that the building inspector was in error in refusing to issue a building permit or certificate of occupancy, as a result of misinterpreting the meaning, intent or application of any section or part of this Local Law.

130-30-20 Any matter where the appellant alleges that the building inspector was in error in his determination as to the exact location of a District boundary line on the zoning map that forms part of this Local Law.

130-30-30 Any matter which the building inspector appeals on grounds of doubt as to the meaning or intent of any provision of this Local Law or as to the location of a District boundary line of the zoning map.

130-40 SPECIAL EXCEPTION USES (Planning Board)

The Planning Board shall have original jurisdiction and power to grant a permit for a special exception use on a particular site wherever it is expressly provided in this Local Law that the special exception may be granted upon application to the Planning Board without a finding of practical difficulties or unnecessary hardship but subject to the general provisions of this Local Law and more specifically to the guiding principles, general standards, and the special conditions and safeguards contained in this Section

130-40-10 GUIDING PRINCIPLES

130-40-10.01 Such use shall be one which is specifically authorized as a special exception use in the district within which the subject site is located.

130-40-10.02 Every decision by the Planning Board granting a permit for a special exception use shall clearly set forth the nature and extent of such authorized use and any special conditions or safeguards to which it shall be subject as a result of the board's findings. Violations of any such limitations or special conditions and safeguards shall be deemed a violation of this Local Law punishable under the provisions of Section 140.

130-40-10.03 A special exception use for which a permit is granted by the Planning Board pursuant to the provisions of this section shall be construed to be a conforming use.

130-40-20 GENERAL STANDARDS

For every such special exception use the Planning Board shall determine the following:

- (a) that such use will be in harmony with and promote the general purposes and intent of this Local Law as stated in Section 20,
- (b) that the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof,
- (c) that the proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts,
- (d) that the site is particularly suitable for the location of such use in the community,
- (e) that the characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly,
- (f) that the proposed use, particularly in the case of non-nuisance industry, does conform with the Local Law definition of the special exception use where such a definition exists, or with the generally accepted definition of such use where it does not exist in the Local Law,
- (g) that access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion, and further that vehicular entrances and exits shall be clearly visible from the street and not be within seventy-five (75) feet of the intersection of street lines at a street intersection except under unusual circumstances.
- (h) that there are off-street parking and truck loading spaces at least in the number required by the provisions of Section 100, but in any case an adequate number for the anticipated number of occupants, both employees and patrons or visitors, and further that the layout of the spaces and driveways is convenient and conducive to safe operation.
- (i) that adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses,
- (j) that adequate provisions will be made for the collection and disposal of storm-water runoff from the site, and of sanitary sewage, refuse or other waste whether liquid, solid gaseous or of other character,
- (k) that the proposed use recognizes and provides for the further specific conditions and safeguards required for particular uses in Section 130-40-30, if any,